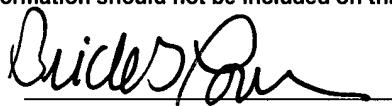


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PTO/SB/31 (02-01)

Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCEAP
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NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES		Docket Number (Optional) 0274.02-3278.1US (U-2541.1)
<p>Express Mail Label Number: <u>EV348043462</u> Date of Deposit: <u>June 30, 2004</u> Person Making Deposit: <u>Christopher Haughton</u></p>	In re Application of <u>Herron et al.</u>	
	Application Number <u>09/839,778</u>	Filed <u>April 20, 2001</u>
	For <u>DIAGNOSTIC DEVICE AND METHOD</u>	
	Group Art Unit <u>1641</u>	Examiner <u>G. Gabel</u>
Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the examiner.		
The fee for this Notice of Appeal is (37 CFR 1.17(b))		\$ <u>330.00</u> .
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$ <u>165.00</u> .		
<input checked="" type="checkbox"/> A check in the amount of the fee is enclosed.		
<input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.		
<input type="checkbox"/> The Commissioner has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.		
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<input checked="" type="checkbox"/> A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.		
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.		
I am the		 Signature
<input type="checkbox"/> applicant/inventor.		
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71.		
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)		
<input checked="" type="checkbox"/> attorney or agent of record.		Brick G. Power Reg. No. 38,581
<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34(a).		Typed or printed name
Registration number if acting under 37 CFR 1.34(a).		
June 30, 2004		
Date		
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.		
<input type="checkbox"/> *Total of _____ forms are submitted.		

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